IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO : 19623 of 2005

Date: 15.09.2005

BETWEEN:

Menda Babu Rao

..... PETITIONER

AND

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1. The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO : 19623 of 2005

ORDER:

The petitioner claims to be the absolute owner of the land admeasuring Acs.1.35 in S.No.1/3 of Venkatapathiraju Peta Village, Visakhapatnam District, which he allegedly purchased under a registered sale deed dated 9.9.1986. In this writ petition he alleges that respondents 3 and 4 came to the property on 30.8.2005 and obstructed when the petitioner took steps for construction of compound wall. The petitioner immediately placed the copy of the sale deed and other documents before them, in vain. Therefore, the present writ petition is filed seeking a declaration that the action of the respondents 3 and 4 in dispossessing the petitioner from the land in question as illegal and arbitrary.

The matter came up before this Court for preliminary hearing on 6.9.2005. The learned Assistant Government Pleader for Revenue (General) and the learned Standing Counsel for

Visakhapatnam Urban Development Authority (VUDA) were directed to get instructions in the matter.

The matter is again called for, for preliminary hearing. The learned Standing Counsel for VUDA stated that the officials of the second respondent never went to the land. The learned Assistant Government Pleader obtained instructions from Mandal Revenue Officer, Gajuwaka. Based on the instructions, he submits that the land in S.No.1/3 admeasuring Acs.1.35 of Venkatapathiraju Pega Village was taken over under the provisions of Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948, and that in Writ Appeal No.1654 of 2003, the High Court passed orders on 21.10.2003 directing to maintain status quo with regard to the nature, title and possession of the property in question. He further states that the third respondent or his executive staff never went to the land in S.No.1/3 nor initiated any action against the petitioner herein. A copy of the instructions received by the Government Pleader from the third respondent is also placed before this Court, which is to the same effect.

In view of the submissions made by the learned Assistant Government Pleader and the learned Standing Counsel the factual foundation for this writ petition is not sound and the writ petition is filed on mere apprehension. Therefore, this Court cannot entertain the Writ Petition and the same is accordingly dismissed at the admission stage.

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V.V.S. RAO, J)

15th September, 2005

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